

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

WEST COAST PRODUCTIONS, INC.,)	
)	
Plaintiff,)	
)	
v.)	No. 4:12-CV-1874-JAR
)	
DOES 1-27,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

This matter is before the Court on Defendant John Doe No. 1's motion for appointment of counsel and motion to sever. [ECF No. 9]

The appointment of counsel for a *pro se* litigant lies within the discretion of the Court, since there is no constitutional or statutory right to appointed counsel in civil cases. Phillips v. Jasper County Jail, 437 F.3d 791, 794 (8th Cir.2006) (citation omitted); see 28 U.S.C. § 1915(e)(1) (“The court may request an attorney to represent any person unable to afford counsel.”) See also Sours v. Norris, 782 F.2d 106, 107 (8th Cir.1986) (citation omitted). When determining whether to appoint counsel for an indigent litigant, the Court considers relevant factors, including “the factual complexity of the issues, the ability of the indigent person to investigate the facts, the existence of conflicting testimony, the ability of the indigent person to present the claims, and the complexity of the legal arguments.” Edwards v. Dwyer, 2008 WL 222511 at *1 (E.D.Mo., January 25, 2008) (citations omitted). See also Stevens v. Redwing, 146 F.3d 538, 546 (8th Cir. 1998); Johnson v. Williams, 788 F.2d 1319 (8th Cir.1986).

After reviewing Defendant’s motion, the Court does not believe that either the factual or legal issues are complex. In addition, Defendant appears able to articulate and clearly present his

position. For these reasons, the Court finds that appointment of counsel is not mandated at this time, and Defendant's motion for appointment of counsel should be denied without prejudice.


With respect to Defendant John Doe No. 1's motion to sever, the Court will order Plaintiff West Coast Productions, Inc., to file a response.

Accordingly,

IT IS HEREBY ORDERED that Defendant John Doe No. 1's Motion for Ad Litem Counsel for Defendants [9] is **DENIED** in part without prejudice.

IT IS FURTHER ORDERED that not later than **November 19, 2012**, Plaintiff West Coast Productions, Inc., shall file a response to Defendant's motion to sever.

Dated this 8th day of November, 2012.



JOHN A. ROSS
UNITED STATES DISTRICT JUDGE